

REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. Rejection of claims 1-5, 7, 8, 11, 12 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,878,142 (Caputo et al.)

The applicants respectfully traverse the rejection of claims 1-5, 7, 8, 11, 12 and 14 as being anticipated by the Caputo et al. disclosure. The basis for this traversal is premised on the failure of the Caputo et al disclosure in describing or suggesting the provision of a data carrier having two logically separated transmission channels between first and second devices.

The pending application recites a method for testing the authenticity of a data carrier in claims 1 and 8, a data carrier in claim 12, and a system for testing the authenticity of a data carrier in claim 14. According to the methods, data carrier and system of the pending application, a data carrier and an external device are used for exchanging data via a first and a second transmission channel. The first transmission channel serves for transmitting ordinary signals between the data carrier and the external device. A second transmission channel serves only for transmitting the signal for authenticity testing. The second transmission channel is logically separated from the first transmission channel.

Accordingly, the claims according to the pending application recite the feature of transmitting data between a data carrier and an external device via two logically separated transmission channels.

Contrary to the pending claims wherein communication via the two logically separated transmission channels is performed between the same components, communication according to the Caputo et al. disclosure is performed between different components. Turning specifically to the teachings of Caputo et al., their

disclosure is directed to a data carrier having two transmission channels. The first transmission channel is connected to a computer and the second transmission channel is connected to a telecommunication network (column 5, lines 2-6).

It is submitted that it is well-known to provide a device such as a data carrier with a plurality of transmission channels according to a predetermined number of external devices if the data carrier is intended for communication with such external devices. The Caputo et al. disclosure is an example of this well-known approach. What is not known is to provide two logically separated transmission channels for communication between a first and second device, as recited in claims 1-8, 11, 12 and 14 of the pending application.

It is axiomatic that in order to anticipate an invention, a prior reference must teach each and every aspect of the claimed invention. Since the Caputo et al. disclosure fails to describe or suggest providing a data carrier and an external device via two logically separated transmission channels, this reference does not anticipate the claims of the present application.

Turning specifically to the basis of the rejection of claim 2, the Caputo et al. disclosure clearly does not teach or describe a second transmission channel that modulates the signal of the first transmission channel. In the Action, it is alleged that column 4, lines 25-28 of the Caputo et al. disclosure teaches a modulated signal for the transmission via a the telecommunication network. The applicants respectfully disagree.

The Caputo et al. disclosure refers to the common transmission technology used in telecommunication networks and cannot be compared with a modulation of a first transmission channel such that a second, logically separated transmission channel is created. In practice, this feature is explained in FIG. 3 of the Caputo et al. disclosure from which the differences between the present invention and the citation of the Caputo et al. become apparent. In FIG. 3, the security system 38 is

connected with a computer 36 via a first transmission channel and with another computer 22 via a second transmission channel. While the skilled artisan can apply any known modulation method on the first transmission channel to the computer 26, such skilled artisan would not be able to create any transmission channel to the other computer 22.

Thus, it is clear that the Caputo et al. disclosure merely suggests known methods. On the contrary, the claim recites a communication between a device and an external device that is carried out via a transmission channel. It follows that where transmission of data to a plurality of different devices is required, a transmission channel to each of the external devices will be provided. There is simply no suggestion in the Caputo et al. disclosure that indicates a communication between a first device and a second device via two different transmission channels being logically separated from each other.

In view of these observations, withdrawal of this rejection is respectfully requested.

2. Rejection of claims 6 and 13 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent 5,878,142 (Caputo et al.) in view of U.S. Patent 5,878,134 (Handelman et al.)

Claims 6 and 13 presently stand rejected as being obvious in view of the proposed combination of the Caputo et al. and Handelman et al. disclosures. Claim 6 depends from claim 1, and claim 13 depends from claim 12. This rejection is respectfully traversed on the basis that the proposed combination of the Caputo et al. and Handelman et al. disclosures neither teach nor suggest the limitations of claims 1 and 13, and hence the combination of such limitations with those of the additional features recited in claims 6 and 13. The shortcomings of the Caputo et al. disclosure has been discussed above, and teachings of the Handelman et al. fail to make up for these deficiencies of the Caputo et al. disclosure.

Simply put, the Handelman et al. disclosure fails to disclose or suggest the feature of transmitting data between a data carrier and an external device via two logically separated transmission channels, as recited in claims 1 and 12.

Thus, it is readily apparent that the Caputo et al. and the Handelman et al. disclosures, whether considered collectively or individually, fail to disclose or suggest the method according to the limitations of claim 6, and the data carrier as defined by claim 13. Withdrawal of this rejection is respectfully requested.

3. Rejection of claims 9 and 10 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent 5,878,142 (Caputo et al.) in view of U.S. Patent 4,837,556 (Matsushita et al.)

Claims 9 and 10 presently stand rejected as being obvious in view of the proposed combination of the Caputo et al. and Matsushita et al. disclosures. Claim 9 depends from claim 1, and claim 10 depends from claim 8. This rejection is respectfully traversed on the basis that the proposed combination of the Caputo et al. and Matsushita et al. disclosures neither teaches nor suggests the limitations of claims 1 and 8, and hence the combination of such limitations with those of the additional features recited in claims 9 and 10. The shortcomings of the Caputo et al. disclosure have been discussed above, and the Matsushita et al. fails to make up for these deficiencies of the Caputo et al. disclosure.

Simply put, the Matsushita et al. disclosure fails to disclose or suggest the feature of transmitting data between a data carrier and an external device via two logically separated transmission channels, as recited in claims 1 and 9.

Thus, it is readily apparent that the Caputo et al. and the Matsushita et al. disclosures, whether considered collectively or individually, fail to disclose or suggest the method according to the limitations of claim 9, and the method as defined by claim 10. Withdrawal of this rejection is respectfully requested.

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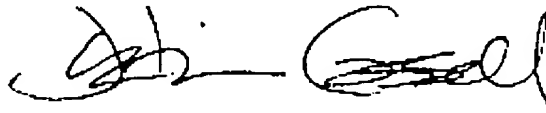
4. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-14 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. CasSELL", with a stylized flourish at the end.

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